PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	60258-280236

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number	Filed
	09/835,867	April 17, 2001
on _____	First Named Inventor	
Signature_____	JUSSI LOPPONEN	
	Art Unit	Examiner
Typed or printed name _____	2616	MAIS, Mark A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
        Note: No more than five (5) pages may be provided.

I am the

[ ] applicant/inventor.

[ ] assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

[X] attorney or agent of record.
Registration number _____ 41,844 _____.

[ ] attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

_____ Signature
Christine H. McCarthy
Typed or printed name

703.770.7743
Telephone number

October 24, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

[X] *Total of ___1___ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: Confirmation Number: 5584
JUSSI LOPPONEN , ET AL.

Application No.: 09/835,867   Group Art Unit: 2616

Filed: April 17, 2001   Examiner: MAIS, Mark A.

Title: PACKET MODE SPEECH COMMUNICATION

ATTACHMENT SHEETS TO PRE-APPEAL BRIEF CONFERENCE REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby requests that a panel of examiners formally review the legal and factual basis of the rejections in the above-identified application prior to the filing of an appeal brief. Appellants assert that the outstanding rejections (now on appeal by virtue of the concurrently filed Notice of Appeal) are clearly improper based both upon errors in facts and the omission of essential elements required to establish a prima facie rejection (i.e., the prior art references fail to disclose, teach or suggest all the recited claim features).

The Final Rejection maintained the rejection of claims 1-48 under 35 U.S.C. 102(b) as being anticipated by Sigler et al. (U.S. 5,717,830; hereafter "Sigler"). Appellants traverse the rejection because Sigler fails to disclose, teach or suggest all the features recited in the rejected claims, in particular the claimed packet mode group voice communication or the claimed operation of the group server.

The Final Rejection asserted that the rejected claims do not actually recite features associated with a packet-switched network, packet switched voice packets, VOIP, etc. However, each claim defines a packet mode group voice communication. In the rejected claims, packet mode group communication is recited in which voice packets addressed to the group are sent from one group member to the group server which forwards the voice packets individually to each receiving one of the group members on the basis of the individual addresses. Thus, the claims expressly indicate that individual addresses are provided to

group members in a communication group, and that voice packets are "addressed" voice packets. Therefore, the rejected claims recite features clearly specify packet mode communication and addressed voice packets, thereby distinguishing the claimed invention from Sigler.

In response to Appellants' previous argument that Sigler fails to teach or suggest packet mode group communication or the operation of the claimed group server, the Final Rejection asserted that "vo-coded voice over transmission frames is interpreted as packets". However, such an assertion is contrary to the common terminology in the art of data communication and the teachings of Sigler.

As clearly illustrated in Figures 33 and 34 (b), for example, Sigler uses the term "frame" to refer to a TDMA frame, which is a sequence of a continuous bit stream, i.e., conventional transmission frames used in TDMA data transmission. Thus, Sigler's voice frames are merely frames containing vo-coded bits, and Sigler merely teaches a conventional vo-coded voice communication in transmission frames over circuit-switched networks.

As a result, Sigler's voice frames have nothing to do with data packets or packet mode communication, which refers to a mode of data communication in which packet switching is used rather than circuit switching. Packet switching refers to a process of routing and transferring data in the form of an addressed packet, so that a channel is only occupied during the transmission of the packet. To that end, the packet contains all the address information required for routing and transferring. That configuration is fundamentally different from Sigler's conventional frame transmission. Thus, Sigler fails to teach or suggest a <u>packet mode group voice communication</u>.

The Final Rejection asserted that Sigler's LAN/WLAN uses packets to communicate with the Network Operations Center (NOC) (as allegedly disclosed at column 3, line 2); however, that portion of Sigler merely describes background art and general architecture of a satellite system without any teaching or suggestion that voice communication would be "packet mode voice" communication. The Final Rejection also asserted that column 44 and column 49 teach IP/TCP/IP; however, that passage merely provides a glossary of terms and has no relation to the voice communication actually described in Sigler's specification.

The Final Rejection also asserted that Sigler's column 2, lines 10-15, allegedly teaches packet-switched data transfer which could be used for Voice over IP packets over a public switched packet network. However, that passage of Sigler merely teaches a mobile data service, which provides a packet switched connection between a Data Terminal

Equipment (DTE) device at a mobile terminal and a Data Communications Equipment (DCE) device at a mobile terminal, wherein the mobile data supports also integrated voice/data operation. However, Sigler fails to teach or suggest packet switched communication as a solution for providing group communication. To the contrary, Sigler teaches the TDM frame transmission approach as illustrated in Figure 33.

The Final Rejection also asserted that the call monitoring procedure described in column 22, line 50 to column 23, line 22 provides for call monitoring of packets over an FES-C and conditions for timeout for non-receipt of voice packets. However, Sigler's Mobile Earth Terminal (MET) monitors whether a received subframe is a voice subframe or a message subframe. Thus, this description also merely relates to TDM frame transmission rather than packet mode communication.

The Final Rejection has re-asserted that Sigler discloses a group server on top of a communication system and a group server providing individual addresses to group members, and sending/forwarding voice messages. However, as explained previously, the NOC merely provides an interface between satellite network system and satellites. Additionally, a Group Controller (GC) is merely a resource controller that allocates and de-allocates circuits for the calls. Thus, the GC is not a network node or a server through which the voice communication is routed. Rather, the GC is only a controlling network element, not a party in the voice communication. This can be readily seen from Figures 28 and 34 (a), and Figure 44B, for example. The circuit switched channel is established between the mobile terminal and the Feeder link Earth Station (FES). The GC only provides a channel assignment command. Thus, the NOC and the GC are not on top of the communication system; rather, the NOC and GC are merely elementary parts of the communication system.

As a result, the NOC and the GC do not to provide the functionality of the group server according to the claimed invention. Rather the NOC and the GC are merely control elements for setting up a group call and assigning the circuit switched channel. Contrary to the assertions of the Final Rejection, no PTT message is sent from the mobile terminal to the NOC; rather, a channel request in a signalling message is sent to the GC. The PTT signalling unit (PTT-SU) is actually sent to the FES.

Although the Final Rejection asserted that the NOC and the GC provide management of streams addressed to a user active in user group, that characterization is erroneous. Rather, the NOC and the GC are not user-specific servers; they are general control elements in Sigler's system. Further, NOC and the GC do not receive any voice packet streams or

forward one of the voice packet streams at a time to the respective user based on the continuity of the voice packet streams. Rather, in Sigler, neither the NOC nor the GC receive any voice communication or forward any voice communication; all voice communication is performed on the circuit switched channel via the FES.

Further, in Sigler, no voice packets addressed to a communication group are sent from a group member to the group server, or forwarded individually to each receiving one of the group members on the basis of individual addresses of the group members. As discussed above, the GC is not involved with the actual voice communication but only assigns the circuit switched channel.

The Final Rejection also asserted that Sigler teach starting a speech item in group by sending a leader packet via the individual logical connection by means of outband signalling.. However, the Final Rejection appears to have misread claim 3. Claim 3 recites that outband signalling is used for creating an individual logical connection from each group member to the group server not that outband signalling is used for sending a leader packet. In fact, there are no logical connections between Sigler's group controller and group members. Although the Final Rejection asserted that each mobile terminal must necessarily have a logical connection to the group server, this is not the case. Rather, in Sigler, a circuit switched connection is established between the group members and the FES, and all communication between the group members is performed through the circuit switched connection.

Although the Final Rejection has attempted to assert that a logical or virtual connection between each mobile the group server in a packet switch network is not recited in rejected claims, the claims recite packet mode group voice communication using address packets, for reasons explained above. Moreover, claim 3 recites that the leader packet is sent to the group server over the respective individual logical connection. Sigler fails to teach or suggest that feature.

The Final Rejection asserted that the claims fail to require filtering voice packet streams related to two or more groups or one-to one communications with one user. (see, Final Rejection, paragraph 81). However, claim 8 clearly recites that the user specific server firstly receives a first voice packet stream related to a first group or one-to-one communication and forwards the first voice packet stream to the respective user. Claim 8 also recites that the user specific server monitors the continuity of the first voice packet stream. Claim 8 still further recites that a user specific server receives at least one further voice packet stream related to at least one further group or one-to-one communication, and does not

forward (i.e., filters off) the at least one further voice packet stream to the user if the first voice packet data stream is continuous. Therefore, the claim 8 effectively filter voice packet streams related to two or more groups or one-to-one communications with one user.

Accordingly, Appellants submit that claims 1-48 are allowable over Sigler. Therefore, Appellants look forward to receiving an indication that examination has been reopened and further notice indicating the allowability of the pending claims.

Respectfully submitted,
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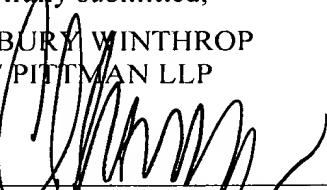
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